

HOUSE BILL 2412
By Newton

AN ACT to create the Polk County Sheriff's Department
Employee Bill of Rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) There is created the Polk County Sheriff's Department Employee Bill of Rights, hereinafter referred to as the "EBR", as set forth in this act.

(b) Under the EBR, all Polk County sheriff's department personnel who have been employed by the department for a continuous, uninterrupted period of time of at least two (2) years full-time employment, and who during their tenure with the Polk County sheriff's department have maintained a satisfactory work history, shall be protected from arbitrary firing or failure to re-hire. The two (2) year employment period needed to obtain protection under the EBR begins on each employee's date of full-time employment with the department, and job protection status is achieved on the two-year anniversary of each employee's hire date to full-time, continuous employment.

(c) No incoming sheriff shall be able to hire more new employees than the number exempted by the EBR and not retained. An incoming sheriff shall hire no more employees than allowed under the existing departmental budget in place and previously approved by the county commission.

SECTION 2. The following employees are not eligible for protection under the EBR:

- (a) all part-time employees working thirty-two (32) or less hours per work week;
- (b) all temporary employees;
- (c) all volunteer, non-salaried employees; and

(d) employees who have three (3) major disciplinary occurrences placed in their personnel file within the previous thirty-six (36) months of employment. A major disciplinary occurrence is defined as a written reprimand, suspension from duty, or termination for just cause.

SECTION 3. The individual rank of those employees covered by the EBR is not protected, regardless of time employed with the department. A ranking employee can be reclassified by a new sheriff at a pay level that is no lower than the highest non-ranking position within the division he or she is to be assigned, with the amount of salary determined by the department's salary chart which takes into account an employee's longevity with the department, and state certification status, if applicable.

SECTION 4.

(a) The job assignment given individual employees who are not protected under the EBR by one sheriff is not protected from re-assignment by another sheriff. Re-assignments involving state-certified officers must be within the specific area of each officer's certification. Job re-assignments may include:

- (1) changes in job description and duties within an employee's area of certification;
- (2) changes in division assignments;
- (3) changes in shift hours; and
- (4) changes in daily work schedules.

(b) Job re-assignments shall be in accordance with each employee's experience, training, education, abilities, and area of state certification when applicable.

SECTION 5.

(a) All benefits extended by Polk County to sheriff's department employees who are covered under the EBR and who are re-assigned or re-classified by an incoming sheriff shall be protected. The employee benefits shall continue to be granted on the basis of each employee's continuous time served with the county and department as described by the employee policy and procedure manual.

(b) Employee benefits are:

(1) legal holidays as described in the employee's policy and procedure manual/employee hand book;

(2) annual leave or vacation;

(3) sick leave;

(4) special medical leave;

(5) maternity/family leave;

(6) military leave;

(7) civil leave;

(8) death-in-family leave;

(9) petty leave;

(10) county retirement program;

(11) terminal leave (up to thirty (30) days); and

(12) worker's compensation insurance.

(c) Benefits extended to sheriff's office employees by the county government are subject to change.

SECTION 6.

(a) No employee of the Polk County sheriff's department shall take part in any political campaign while on duty, nor under any circumstances shall any employee solicit money for political campaigns while on duty.

(b) No employee shall use his or her position with the department to promote his or her personal political opinions, or portray his or her own personal political opinions as representing those of the department or sheriff.

(c) No employee of the department shall use his or her position with the department in an attempt to influence the political opinions of others.

(d) No officer while on duty or in uniform shall display any political advertising or political paraphernalia on his or her person.

(e) No employee shall make any political endorsements of any candidate in any campaign for elected office while in uniform.

(f) Nothing in this act shall be construed to prohibit or prevent any employee of the sheriff's department from becoming or continuing to be a member of a political club or organization, and enjoying all the rights and privileges of such membership, or from attending any political meeting or other activity while not on duty.

(g) Employees shall not be denied freedom in the casting of his or her vote.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Polk County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Polk County and certified to the secretary of state.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.